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Chip-Tech, Ltd. and Dependable Component Supply Corp.*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHIP-TECH, LTD.,

Plaintiff, and on behalf of all others similarly situated,

V.

PANASONIC CORPORATION., et al.,

Defendants.

Lead Case No. 3:14-cv-03264-JD

**PLAINTIFFS' ADMINISTRATIVE MOTION
TO CONSIDER WHETHER CASES
SHOULD BE RELATED PURSUANT TO
CIVIL L.R. 3-12 AND 7-11**

Case No. 3:14-cv-03300-JD

DEPENDABLE COMPONENT SUPPLY CORP.

Plaintiff, and on behalf of all others similarly situated,

V.

PANASONIC CORPORATION., et al.,

Defendants.

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Civil Local Rules 3-12 and 7-11, Plaintiffs Chip-Tech, Ltd. and Dependable Component Supply Corp. ("Plaintiffs") submit this administrative motion

1 requesting the Court to consider whether *Schuten Electronics Corp. v. AVX Corporation, et al.*, Case No.
 2 3:14-cv-03698-EDL (the “*Schuten Electronics Action*”), filed in this District on August 14, 2014, should be
 3 related to two previously-filed and currently pending actions—*Chip-Tech, Ltd. v. Panasonic Corporation, et*
 4 *al.*, Case No. 3:14-cv-03264-JD, filed July 18, 2014 (the “*Chip-Tech Action*”) and *Dependable Component*
 5 *Supply Corp. v. Panasonic Corporation, et al.*, Case No. 3:14-cv-03300-JD, filed July 22, 2014 (the
 6 “*Dependable Action*”). On August 14, 2014, this Court consolidated the *Chip-Tech Action* and the
 7 *Dependable Action* for pretrial purposes (Order re Consolidation and Responses to Complaint, Dkt. 65)
 8 (together, the “*Consolidated Capacitors Antitrust Actions*”).

9 Civil Local Rule 3-12(a) provides that actions are related when (1) the actions concern substantially
 10 the same parties, property, transaction or event; and (2) it appears likely that there will be an unduly
 11 burdensome duplication of labor and expense or conflicting results if the cases are conducted before
 12 different judges.

13 The *Schuten Electronics Action* should be related to the *Consolidated Capacitors Antitrust Actions*
 14 because these actions together readily meet the criteria for relation set forth above. Indeed, no
 15 substantive difference exists between the allegations and claims for relief in the *Schuten Electronics Action*
 16 and in the earlier-filed *Consolidated Capacitors Antitrust Actions*. The *Schuten Electronics Action* alleges
 17 facts and asserts claims involving cartel activity and price-fixing that closely track the *Consolidated*
 18 *Capacitors Antitrust Actions*’ respective allegations and claims. Following the Plaintiffs’ direction in the
 19 *Consolidated Capacitors Antitrust Actions*, Schuten Electronics filed suit to seek recovery on behalf of
 20 direct purchasers of aluminum and tantalum electrolytic capacitors for overcharges paid as a result of
 21 certain capacitor manufacturers’ violations of the federal antitrust laws during a period running from
 22 January 1, 2005 to date. Notably, the class period and products at issue in the *Schuten Electronics*
 23 complaint are the exact same as those at issue in the *Consolidated Capacitors Antitrust Actions*. The
 24 *Schuten Electronics* complaint also contains essentially the same material allegations pleaded in the
 25 *Consolidated Capacitors Antitrust Actions*, and it seeks treble damages and injunctive relief under Section
 26 One of the Sherman Act, 15 U.S.C. § 1 against the same 28 defendants named in the *Consolidated*
 27 *Capacitors Antitrust Actions*.

28 The identity of the claims alleged and the relief sought in the *Schuten Electronics* complaint to the

1 allegations and claims in the *Consolidated Capacitors Antitrust* Actions makes it clear that these cases will
 2 require adjudication of the same questions of law and fact. Relation of the *Schuten Electronics* Action to
 3 the *Consolidated Capacitors Antitrust* Actions therefore will promote the conservation of judicial and party
 4 resources in these cases and will ensure efficiency in their prosecution and final disposition. Managing
 5 the *Schuten Electronics* Action separately from the *Consolidated Capacitor Antitrust* Actions would create
 6 an unduly burdensome duplication of labor and expenses and could potentially lead to conflicting results.

7 While acknowledging that the relation of actions is entirely at the Court's discretion, Plaintiffs
 8 note that on August 7, 2014, they filed a Motion to Transfer with the Judicial Panel on Multidistrict
 9 Litigation for centralization of all pending capacitors price-fixing cartel in this District and with Your
 10 Honor pursuant to 28 U.S.C. section 1407. Though the Judicial Panel has yet to hear from the various
 11 parties involved in the four currently pending capacitors price-fixing cartel cases (three filed in this
 12 District, and one filed in the District of New Jersey) and no order has been issued on the Motion to
 13 Transfer, centralization of these cases for pretrial purposes is likely. Accordingly, if these cases ultimately
 14 are transferred for centralization, it is inevitable that the *Schuten Electronics* Action will be consolidated
 15 with the *Consolidated Capacitors Antitrust* Actions. Given the likelihood of this outcome, efficient use of
 16 judicial resources and minimizing the potential for conflicting results require that the *Schuten Electronics*
 17 Action and the *Consolidated Capacitor Antitrust* Actions be considered together.

18 In consideration of the foregoing, Plaintiffs Chip-Tech, Ltd. and Dependable Component Supply
 19 Corp. respectfully request that the Court relate the *Schuten Electronics* Action to the *Consolidated*
 20 *Capacitors Antitrust* Actions.

21 Dated: August 18, 2014

JOSEPH SAVERI LAW FIRM, INC.

22 By: /s/ Joseph R. Saveri
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CERTIFICATE OF SERVICE

I am over 18 years of age and am not a party to these proceedings or any of the actions that are the subject of these proceedings. My business address is 505 Montgomery Street, Suite 625, San Francisco, CA 94111.

I am readily familiar with Joseph Saveri Law Firm's practice for collection and processing of documents for mailing with the United States Postal Service, and that practice is that the documents are deposited with the United States Postal Service with postage fully prepaid the same day as the day of collection in the ordinary course of business.

I am also readily familiar with Joseph Saveri Law Firm's practice for collection and processing of documents for service via e-mail, and that practice is that the documents are attached to an e-mail and sent to the recipient's e-mail account the same day as the date listed on the Certificate of Service.

This certificate of service concerns the following document(s):

**PLAINTIFFS' ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES
SHOULD BE RELATED PURSUANT TO CIVIL L.R. 3-12 AND 7-11**

Pursuant to Civil Local Rules 4-2 (a) through (c) and 5-1(h)(2), on Monday, August 18, 2014, I served a true and correct copy of the document(s) on the following parties via First Class mail through the U.S. Postal Service and by e-mail:

[Recipient list begins on next page]

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12 Plaintiffs Chip-Tech, Ltd. and Dependable Component Supply Corp. have continued efforts to
13 identify counsel or an agent competent to accept service on behalf of Defendant Toshin Kogyo, Ltd.,
14 located at 2-15-4, Uchikada Chiyoda-ku, Tokyo, Japan. Plaintiffs have retained the services of a translator
15 to assist with service under the Convention on the Service Abroad of Judicial and Extrajudicial
16 Documents in Civil or Commercial Matters (the Hague Convention).

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18 Date: August 18, 2014

19 _____ /s/ James Dallal _____

20 James Dallal

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